

Appl. No. 09/580,343
Terminal Disclaimer
Reply to Office Action of March 18, 2003



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/580,343

Applicants : BENAGE, B., et al.

Filed : May 25, 2000

Title : COMPOSITION AND METHOD FOR INHIBITING
POLYMERIZATION AND POLYMER GROWTH

TC/A.U. : 1714

Examiner: : Thexton, M.

Docket No. : D-6387 (UNI029US)

TERMINAL DISCLAIMER

Mail Stop NON-FEE Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a terminal disclaimer under Rule 321(b) and (c) to obviate a nonstatutory double-patenting rejection over a co-pending application, which is being filed in response to an office action of March 18, 2003, in reference to the above-identified patent application.

Appl. No. 09/580,343
Terminal Disclaimer
Reply to Office Action of March 18, 2003

The owner: (1) Crompton Corporation, a corporation organized under the laws of the State of Delaware, having its principal place of business at One American Lane, Greenwich, Connecticut 06831, who holds a 100 percent interest in both the above-identified application and U.S. Patent No. 6,403,850, disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal disclaimer filed prior to the grant, of U.S. Patent No. 6,403,850. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,403,850 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 145 to 156 and 173, of U.S. Patent No. 6,403,850, as shortened by any terminal disclaimer filed prior to its patent grant, in the event that such patent: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §§ 1.321, (5) has all claims cancelled by a re-examination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Crompton Corporation is the successor-in-interest of CK Witco Corporation formed by the merger of Witco Corporation and Crompton & Knowles Corporation with a duly recorded name change to Crompton Corporation thereafter. The merger documents and the name change document are enclosed.

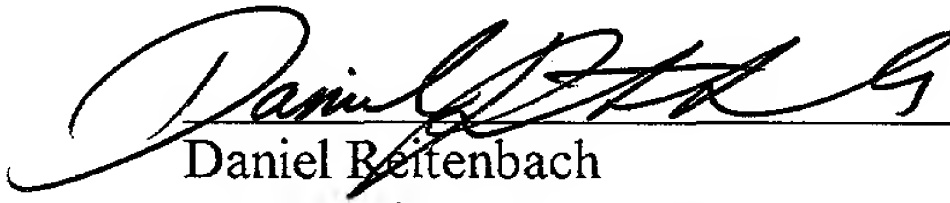
For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application of any patent issued thereon.

The fee of \$110 for a terminal disclaimer under 37 C.F.R. § 1.20(d) is requested to be charged to Deposit Account No. 23-2656. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

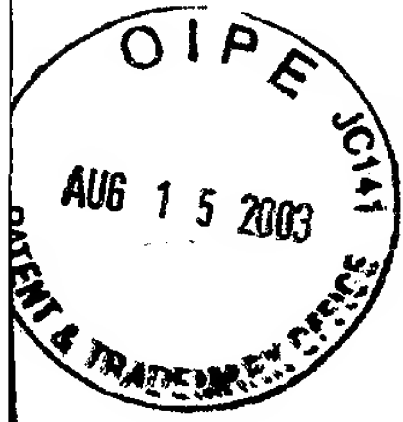
8/12/03
Date


Daniel Reitenbach
Registration No. 30,970
Assistant Secretary

Crompton Corporation
Benson Road
Middlebury, Connecticut 06749

SIL-0007

IN THE UNITED STATES
PATENT AND TRADE MARK OFFICE



In re Application of: RICHARD W. CRUSE ET AL.

Examiner: K. EGWIM

Serial No.:

09/284,841

Art Unit: 1713

Filing Date:

April 21, 1999

Title:

BLOCKED MERCAPTOSILANE COUPLING
AGENTS FOR FILLED RUBBERS

Assignment Division
U.S. PATENT & TRADEMARK OFFICE
1213 Jefferson Davis Highway
Crystal Gateway Four
Suite 300
Arlington, Virginia 22202

RECORDATION COVER SHEETS
AND CHANGE OF NAME DOCUMENTS

Dear Sir:


Transmitted herewith:

1. Witco Corporation to CK Witco Corporation
2. CK Witco Corporation to Crompton Corporation
3. transmittal letter

Dated: November 9 2001

CROMPTON CORPORATION
Benson Road
Middlebury
Connecticut 06749
Telephone No. 203-573-3313
Facsimile No. 203-573-2261
Docket No. SIL0007

Respectfully submitted
CROMPTON CORPORATION


Michael P. Dilworth
Attorney for Applicant
Atty. Reg. No. 37,311



Form PTO-1595

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To The Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

(1) **Witco Corporation**

(2)

(3)

(Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no)

2. Name and address of receiving party(ies):

CK WITCO CORPORATION**One American Lane****Greenwich, CT 06831**Additional name(s) & address(es) attached? ☐ yes ☒ no

3. Nature of Conveyance:

☐ Assignment ☒ Merger☐ Security Agreement ☐ Change of Address

Execution Date (1) September 1, 1999

4. Application number(s) or patent number(s):

09/284,841 filed April 21, 1999

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s):

09/284,841

B. Patent No.(s):

5. Name and address of party to whom correspondence concerning document should be mailed:

Michael P. Dilworth**Law Dept.****CROMPTON CORPORATION****Benson Road****Middlebury, CT 06749**6. Total number of applications and patents involved: **1**7. Total fee (37 CFR §§ 3.41): **\$40.00**☐ Enclosed☒ Authorized to be charged to deposit account8. Deposit account number: **23-2656**

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document***Michael P. Dilworth**

(U.S. Reg.No. 37,311)

November 9, 2001

Name of Person Signing

Signature

Date

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail addressed to Assignment Division, U.S. Patents & Trademarks Office, Jefferson Davis Highway, Arlington, VA 22202 on.....

Signature: _____

(Name of person mailing application)

Attorney Docket No. SIL-0007-3-DIV

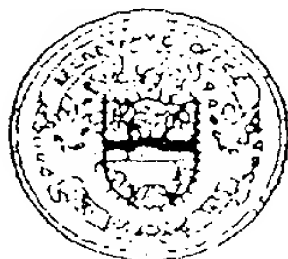
State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

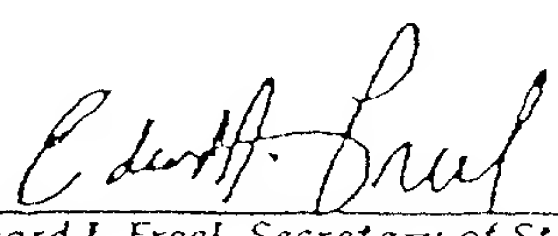
"WITCO CORPORATION", A DELAWARE CORPORATION,

WITH AND INTO "CK WITCO CORPORATION" UNDER THE NAME OF "CK WITCO CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIRST DAY OF SEPTEMBER, A.D. 1999, AT 11:01 O'CLOCK A.M.



3046078 8100M

991379657


Edward J. Freel, Secretary of State

9965691

AUTHENTICATION:

09-10-99

DATE:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 11:01 AM 09/01/1999
991365833 - 3046078

CERTIFICATE OF MERGER

WITCO CORPORATION

INTO

CK WITCO CORPORATION

Pursuant to Title 8, Section 251 of the General Corporation Law of the State of Delaware ("Section 251"), CK Witco Corporation, a corporation organized and existing under the laws of the State of Delaware ("CK Witco"), and Witco Corporation, a corporation organized and existing under the laws of the State of Delaware ("Witco"), do hereby certify to the following facts relating to the merger (the "Merger") of Witco with and into CK Witco.

FIRST: The name and state of incorporation of each constituent entity that is a party to the Merger is as follows:

<u>Name</u>	<u>State of Incorporation</u>
CK Witco Corporation	Delaware
Witco Corporation	Delaware

SECOND: An Agreement and Plan of Reorganization, dated as of May 31, 1999, as amended (the "Agreement"), by and among Crompton & Knowles Corporation, a Massachusetts corporation and the predecessor of CK Witco, CK Witco, and Witco, has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251.

THIRD: The name of the surviving corporation, which shall be a Delaware corporation, is "CK Witco Corporation" (the "Surviving Corporation").

FOURTH: The Certificate of Incorporation of CK Witco shall be the certificate of incorporation of the Surviving Corporation.

FIFTH: The executed Agreement is on file at the office of the Surviving Corporation at the following address:

CK Witco Corporation
One Station Place, Metro Center
Stamford, Connecticut 06902

SIXTH: A copy of the Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

101 1122

ATTEST:

By: John T. Ferguson II
Name: John T. Ferguson II
Title: Senior Vice President, General
Counsel and Secretary

By: V. Calarco
Name: Vincent A. Calarco
Title: President and Chief Executive Officer

WITCO CORPORATION

By: Nemo: Alexandra J. Graf
Title: Assistant Secretary

By: _____
Name: E. Gary Cook
Title: Chairman of the Board, President
and Chief Executive Officer

IN WITNESS WHEREOF, CK Witco and Witco have caused this Certificate of Merger to be duly executed as of this 1st day of September, 1999, to be effective at 5:00 p.m. on September 1, 1999.

ATTEST:

CK WITCO CORPORATION

By:

Name: John T. Ferguson II
Title: Vice President, General Counsel
and Secretary

By:

Name: Vincent A. Calarco
Title: President and Chief Executive
Officer

ATTEST:

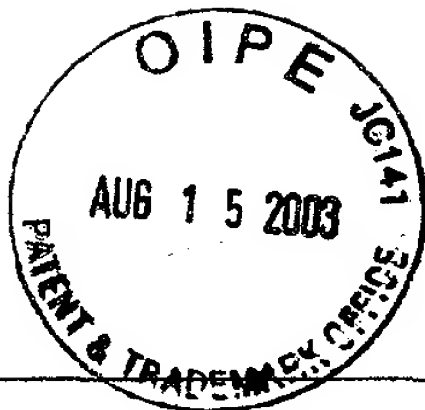
WITCO CORPORATION

By:

Name: Alexandra J. Graf
Title: Assistant Secretary

By:

Name: E. Gary Cook
Title: Chairman of the Board, President
and Chief Executive Officer



Form PTO-1595

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To The Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

(1) CK WITCO CORPORATION

(2)

(3)

(Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no)

2. Name and address of receiving party(ies):

CROMPTON CORPORATION

One American Lane

Greenwich, CT 06831

Additional name(s) & address(es) attached? ☐ yes ☒ no

3. Nature of Conveyance:

☐ Assignment ☐ Merger☐ Security Agreement ☒ Change of Address

Execution Date (1) April 27, 2000

4. Application number(s) or patent number(s):

09/284,841 filed April 21, 1999

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s):

09/284,841

B. Patent No.(s):

5. Name and address of party to whom correspondence concerning document should be mailed:

Michael P. Dilworth
Law Dept.
CROMPTON CORPORATION
Benson Road
Middlebury, CT 06749

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR §§ 3.41): \$40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number: 23-2656

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael P. Dilworth

(U.S. Reg.No. 37,311)

November 9, 2001

Name of Person Signing

Signature

Date

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail addressed to Assignment Division, U.S. Patents & Trademarks Office, Jefferson Davis Highway, Arlington, VA 22202 on.....

Signature: _____

(Name of person mailing application)

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CK WITCO CORPORATION", CHANGING ITS NAME FROM "CK WITCO CORPORATION" TO "CROMPTON CORPORATION", FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF APRIL, A.D. 2000, AT 9:30 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



E. J. Freel

FROM

(THU) 4. 27' 00 9:54/ST. 9:53/NO. 4861863567 P 3

CERTIFICATE OF AMENDMENT
OF
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION
OF
CK WITCO CORPORATION

CK Witco Corporation, a Delaware corporation (the "Corporation"), does hereby certify:

FIRST: That Article I of the Amended and Restated Certificate of Incorporation of the Corporation is hereby amended to read in its entirety as follows:


ARTICLE I

The name of the Corporation is Crompton Corporation.

SECOND: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

In witness whereof, CK Witco Corporation has caused this Certificate to be executed by its duly authorized officer, this 27th day of April, 2000.

By:


Name: John T. Ferguson II
Title: Senior Vice President

AAW03125 DOC

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:30 AM 04/27/2000
001213873 - 3046078